IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

OP.No. 8651 of 2000(E)

PETITIONER:
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1. P.T.KUNJAPPAN, S/O.P.V.THOMAS, AGED 38 YEARS,
POOVAN HOUSE, CHAKKAMADOM, MATTANCHERRY, KOCHI -2.

2. V.B.KUNJUMON, S/O.V.B.GOPALAN, AGED 41 YEARS,
VALAYIL HOUSE, AMARAVATHY, KOCHI -1.

3. V.PRAKASHAN, S/O.K.VASU, AGED 46 YEARS,
KANNOTH HOUSE, THEKKE THAMARAPARAMBU,
FORT KOCHI, KOCHI -1.

BY ADV. SRI.A.X.VARGHESE
SRI.A.J.VARGHESE.

RESPONDENTS:
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1. SECRETARY, CORPORATION OF KOCHI, ERNAKULAM.

2. DIRECTOR OF MUNICIPALITIES, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.M.V.JOSEPH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN OP.NO.8651/00

PETIITONER'S EXHIBITS:

EXT.P1: PHOTOCOPY OF THE SENIORITY LIST OF 59 PERSONS OF SUBSTITUTE WORKERS IN MATTANCHERY AND FORT KOCHI DATD 17.5.1983 PUBLISHED BY THE 1ST RESPONDENT.

EXT.P2: PHOTOCOPY OF THE ORDER DATED 17.8.1984 ISSUED BY THE 1ST RESPONDENT.

EXT.P3: PHOTOCOPY OF THE ORDER IN RESPECT OF THE SENIORITY LIST DATED 28.6.1986 ISSUED BY THE HEALTH OFFICER OF THE 1ST RESPONDENT.

EXT.P4: PHOTOCOPY OF THE SENIORITY LIST DATED 8.1.1991.

EXT.P5: PHOTOCOPY OF THE JUDGMENT DATED 2.8.1993 IN O.P.NO.3115/92 OF THE HON'BLE HIGH COURT OF KERALA.

EXT.P6: PHOTOCOY OF THE ORDER DATED 19.3.1996 ISSUED BY THE 1ST REPSONDENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.8651 OF 2000

Dated this the 7th day of June, 2007

JUDGMENT

Petitioners are at Sl.Nos.5, 6 and 10 respectively in Ext.P1 seniority list of substitute workers. That list is dated 17.5.1983. It shows, among other things, that all of them and certain others became such substitute workers form February, 1977. The petitioners filed O.P.No.3115/92 complaining that while persons, who are juniors to them in Ext.P1 list, have been regularised in the service of the Corporation, the petitioners have not been given their due entitlement for regularisation in preference to their admitted juniors. This contention found favour with this Court and Ext.P5 judgment was issued concluding that the petitioners are entitled to absorption as permanent workers on the basis of their ranking in Ext.P1 list itself. Ext.P1 in Ext.P5 judgment is the same as Ext.P1 in this case. Therefore, the legal effect of Ext.P5 judgment is that, on the basis of the ranking in Ext.P1, i.e., immediately above their admitted juniors going by Ext.P1, petitioners are entitled to be absorbed as permanent workers. Therefore, the respective date of absorption of each of

the petitioners has to be the respective date of absorption of the immediate admitted junior of each of them. It is the uncontroverted statement in the writ petition that the admitted juniors were regularised with effect from 30.9.1982 (see ground D of the writ petition). So much so, the petitioners are also entitled for regularisation with effect from that date. It is so declared.

Following this declaration, the Corporation shall extend to the petitioners all benefits as may be due to them on the basis of the benefits extended to those admitted juniors who were regularised, i.e., with effect from the date on which their admitted juniors were given such benefit. Any consequential benefits shall be released to the petitioners within a period of three months from the date of receipt of a copy of this judgment. The writ petition is allowed. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.8651 OF 2000

JUDGMENT

6th JUNE, 2007.

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